

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of)	
)	
Closed Captioning of Video Programming)	CG Docket No. 05-231
)	ET Docket No. 99-254
Telecommunications for the Deaf, Inc.)	
Petition for Rulemaking)	

To: The Commission

COMMENTS OF LINCOLN BROADCASTING COMPANY
(KTSF-DT, SAN FRANCISCO, CALIFORNIA)

Lincoln Broadcasting Company, A California Limited Partnership ("Lincoln"), licensee of commercial independent television broadcast station KTSF, San Francisco, California ("KTSF"), submits these Comments by its attorney in response to the Consumer and Governmental Affairs Bureau ("Bureau") Public Notice released October 25, 2010 seeking "to refresh the record on Notices of Proposed Rulemaking regarding closed captioning rules" (DA 10-2050)("Notice"). In these Comments Lincoln verifies the continuing need for the Section 79.1(d)(3) closed captioning exemption for programming in languages other than English or Spanish ("foreign language exemption"), whose adoption Lincoln supported in 1997. Lincoln also emphasizes the essentiality of the electronic newsroom technique ("ENT") of open captioning, which remains the only feasible form of captioning for much of KTSF's programming in multiple Asian languages, and for all of its abundant Chinese-language programming, and ENT captioning must continue to count as full compliance for this type of programming.¹

On November 10, 2005 and December 16, 2005, Lincoln filed Comments ("2005 Comments") and Reply Comments ("2005 Reply Comments"), respectively, in CG Docket No.

¹ ENT is a technique of open captioning, but not all open captioning is done by ENT.

05-231. In those filings Lincoln adduced record support for retaining the Section 79.1(d)(3) exemption. That exemption allows ENT captioning for programming in the multiple Asian and other non-English, non-Spanish languages which continue to be the mainstay of KTSF's programming overall, and 100% of its prime time schedule. Lincoln incorporates its 2005 filings by reference here, as they remain accurate and current in all material respects.² In 1997 Lincoln supported adoption of that exemption. Lincoln's 2005 Comments said:

The foreign language exemption "continues to be essential to KTSF's provision of its substantial, rich and varied schedule of programming, much of it locally-produced, to serve large, historically-underserved and multiple Asian- and other foreign-language audiences in the KTSF service area. The technological, practical and cost obstacles to closed captioning this programming are as real and insurmountable today as in 1997. Accordingly, without the exemption the programming could not be made available to the viewing public, including but not limited to the hearing-impaired viewers for whom Lincoln provides open or [ENT] captioning for as much of the programming as possible. English-language captioning of the foreign-language programming is both infeasible due to time and expense and ineffective for the programs' intended foreign-language audiences."

Those audiences are a major and growing part of the television audience in KTSF's San Francisco-area service area. Average monthly viewers of KTSF in the first half of 2010 (Jan.-June) were 684,787 aged 18 and above, according to Nielsen. KTSF serves them with 40.5 hours per week of entirely foreign-language news (including 11 hours per week of KTSF-produced news in Chinese) and 43.5 additional weekly hours of non-news programming entirely in non-English, non-Spanish languages. 61% of KTSF's total schedule from 6:00 am to 2:00 am is in those languages. KTSF now also airs 800 hours per year of Chinese-language dramas and variety programs, all open-captioned via ENT.

Chinese (Mandarin and Cantonese) continues to be the predominant foreign language exemption programming on KTSF. KTSF produces much of it locally, and also purchases it

² See the attached Declaration of Michael J. Sherman, KTSF General Manager, which supports factual representations in these Comments. As that Declaration indicates, some 2005 factual details have changed since 2005, but they do not affect the unabated need for the foreign-language exemption from closed captioning.

from Asia. Most of the purchased programming is now subtitled (ENT), using the same techniques as KTSF itself uses for programming it produces. For closed captioning, captions must be typed in real time as the program airs. That is not possible in Chinese because the person typing the captions would have to select the right Chinese character from a selection. There could be 30 characters having the same pronunciation; the captioner would have to type the spelling of the phonic input, and then survey, select and click the correct character from a selection of them.

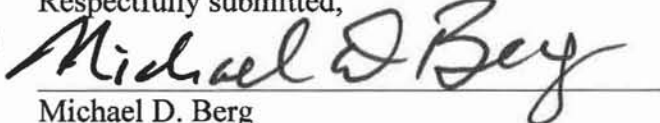
In the Notice the Bureau asks for additional comment on the 2005 question whether Commission rules should be revised to disallow use of ENT in the largest 25 DMAs (which include San Francisco), and “whether the same rationale that led the Commission to originally permit the use of ENT by some distributors is still relevant.”³ Lincoln expresses no view on that with respect to English- or Spanish-language programs; KTSF’s English-language programs comply with closed captioning requirements. But as to the foreign language exemption programs, it is still true, as it was in 2005, that the programs could not be aired at all if they were required to be closed-captioned.

For these reasons, Lincoln respectfully seeks continuation of the foreign-language exemption, and counting of ENT captioning as full compliance with Commission rules for those foreign-language exemption programs that can be ENT-captioned.

November 24, 2010
Attachment: Michael Sherman Declaration

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Respectfully submitted,



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³ Notice, pp. 2-3.

DECLARATION

I, Michael J. Sherman, General Manager of KTSF, San Francisco, CA, declare that I assisted in the preparation of, and have read, the foregoing "Comments of Lincoln Broadcasting Company (KTSF-DT, San Francisco, CA)" in CG Docket No. 05-231 and ET Docket No. 99-254. I obtained or oversaw the development of the factual material contained therein, and declare under penalty of perjury that said material is true and correct to the best of my knowledge.

Certain facts contained in the 2005 Comments and Reply Comments of Lincoln Broadcasting in CG Docket No. 05-231, which filings are incorporated by reference in the above-referenced November 24, 2010 Comments, have changed since 2005: KTSF no longer airs a "half-hour KTSF-produced Hong Kong news recap;" Wharf Cable has replaced ATV as KTSF's source of news feeds from Hong Kong; the \$5700 hourly cost to open caption Chinese-language programming in English may have changed but is believed to be substantially accurate now, and in any event, as the 2005 Comments indicate, closed captioning in English defeats the purpose of the foreign-language programs for their audiences. In my opinion no factual change affects the continuing validity of KTSF's 2005 conclusions.

Executed on November 24, 2010.

 (by 24)

Michael J. Sherman